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www.nwhealth.gov.za**A long and healthy life for all communities of the North West Province****STANDARD OPERATING PROCEDURE ON MANAGEMENT OF FORMAL
DISCIPLINARY PROCEDURES OR MEASURES****MAY 2025**

Author	Directorate Labour Relations
Review Date	APRIL 2028
Description	This SOP provides guidelines on how to manage formal discipline in the North West Department of Health
Coverage	This SOP is applicable to all staff/officials and stakeholders of North West Department of Health the Department of Health
SOP number	<i>LR25/SOP02/R28</i>

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1. Purpose

- a. The purpose of this SOP is to standardise the management of formal discipline within the North West Department of Health.

2. Scope and Application of the Document

This document is applicable to all employees of the North West Department of Health.

3. Legislative and related Prescripts

This SOP document is underpinned by the following pieces of legislation:

- 3.1. Public Service Act, 1994.
- 3.2. Public Service Regulations, 2016.
- 3.3. Public Service Amendment Act 30 of 2007.
- 3.4. Public Holidays Act 36 of 1994.
- 3.5. Public Administration Management Act 11 of 2014.
- 3.6. PSCBC Resolution 1 of 2003.
- 3.7. DPSA SMS Handbook, 2003.
- 3.8. Labour Relations Act 66 1995.
- 3.9. Basic Conditions of Employment Act 75 1997.
- 3.10. Employment Equity Act 55 1998.
- 3.11. DPSA Guide on Managing Discipline in the Public Service, March 2021.
- 3.12. Labour Relations Policy Frameworks.

4. Definitions/Glossary of terms

Act

All legislations that govern employee relations and are applicable in terms of this SOP.

Aggravating circumstances

These are circumstances usually put before the presiding officer of a disciplinary hearing and are tabled once all evidence has been heard.

Balance of probability

Refers to the process that involves weighing up the evidence from the employer and employee perspective and deciding which version is more likely that could lead to a harsher sanction Consistency: means an equitable treatment.

Days

Refer to working days in terms of PSCBC Collective agreement guidelines and Public Service Act, read with Public Holidays Act and the Public Administration Management Act it refer to calendar days.

Disciplinary action

An action on the part of the authority/management aimed at stopping employee behavior that threatens to disrupt the functioning of the system.

Disciplinary code

A set of rules of conduct that the Department employees must obey and abide by them if it is to function successfully (Refer to PSCBC Resolution 1 of 2003 and DPSA SMS Handbook, 2003).

Executing Authority (EA)

The member of the Executive Council responsible for Health.

Fairness

An action is conforming with to universally accepted standards and if consistency is exhibited on substance and/or procedure.

Superintendent General (SG)

The incumbent of a post position for the Head: NW Department of Health and includes any employee acting in such post.

Misconduct

An act or omission (behavior) in conflict with the employer's Code of Conduct, known set of rules or the common law. It is an act for which the employee can

be held accountable. This could include improper conduct, delinquency, misdemeanor, transgression and wrongdoing.

Point in limine

The process generally relate to technical points that must be heard by the commissioner or presiding officer in a disciplinary hearing prior to hearing a matter. A decision must be made regarding the validity of the point being made Mitigating circumstances: these are circumstances usually put before the presiding officer of a disciplinary hearing and are tabled once all evidence has been heard that could lead to a lesser sanction.

Procedural fairness

The process, approach or method followed when managing a matter. This term is used in many aspects of labour law, including approaches to disciplinary, incapacity, dispute and grievance hearings.

Reasonable rule

A rule that does not discriminate unnecessarily between different classes of workers, and is not sprung on employees out of the blue and it must have an economic rationale.

Representation (Legal)

The Labour Relations Act clarifies circumstances in which legal representation may be used. Restrictions on legal representation were placed in the Act in an attempt to move away from a legalistic and highly adversarial approach.

Representative

A fellow employee, a representative or official of a recognized trade union.

Sanction

The punishment determined as an outcome of a disciplinary hearing.

Substantive fairness

Refers to fair reasons in managing a matter.

Valid rule

The rule that is not contrary to any law or public policy.

5. Background

- a. Formal discipline is a structured corrective action process designed to address employee performance and behavioural issues and its main purpose is to assist managers and supervisors enforce disciplinary action by offering employees an opportunity to correct issues before escalating punishment.
- b. In order to strengthen management and provide managers and supervisors with skills necessary to manage employee behaviour the Directorate Labour Relations saw it fit to develop this SOP.

6. Objective

The objective of this SOP is:

- a. To support constructive Labour Relations in the North West Department of Health;
- b. To ensure that managers and employees share a common understanding of misconduct and discipline;
- c. To promote acceptable conduct;
- d. To provide employees of the North West Department of Health with a quick and easy reference for the application of discipline;
- e. To prevent arbitrary or discriminatory actions by managers towards employees.

7. SOP Details along with Responsibility and Roles

- 6.1. Report the alleged act or omission of misconduct to the Senior Manager, SManager or Supervisor in writing.

Responsibility: Line Manager / Supervisor

- 6.2. Submit the report to Directorate Labour Relations.

Responsibility: Director: Labour Relations

6.3. Conduct an investigation.

- a. Register the case in a Case Management Register.
- b. Collect statement and conduct interviews with witnesses. Compile the comprehensive report with recommendations

Responsibility: Directorate Labour Relations to ensure appointment of the investigating officer is made.

6.4. Submit the alleged case of misconduct

Submit the case to Directorate Labour relations for evaluation.

Responsibility: Investigation Officer appointed by the Directorate Labour Relations.

6.5. Evaluate and submit recommendations to the HoD Evaluate the case and advice the HOD on recommended action to be taken based on the investigation report.

- a. If allegations are less serious, submit recommendation for an informal hearing to be conducted by the Line Manager or Supervisor;
- b. If allegations are serious, submit recommendation for suspension to the Superintendent General.

Responsibility: Directorate Labour Relations.

6.6. Issue letter of precautionary suspension/ transfer

Responsibility: Letter of precautionary suspension/ transfer to be written by the Directorate Labour Relations, in consultation with the official who has the delegated authority.

6.7. Conduct formal disciplinary process

In case the SG/ HoD recommends Disciplinary enquiry or suspension, the following steps are to be taken:

- a. In cases of serious misconduct and where the presence of the alleged employee at the work place might jeopardise any investigation or

endanger the wellbeing or safety of any person or state property, the HOD may issue a suspension or transfer.

- b. Appoint chairperson of the Hearing and Employer representative.
- c. Write letters of appointment to the chairperson and employer representative.
- d. Issue a notice to the employee with the details of the hearing 5 days before the date of the hearing.

Responsibility: Superintendent General

- 6.8. Convene formal disciplinary enquiry led by appointed chairperson and relevant representatives to days more than 05 working days from the issuing the notice for disciplinary hearing.

Responsibility: Chairperson / Departmental representative (Presiding Officer), in consultation with the Director Labour Relations for logistical arrangements, only and the charged employee and/ or his/ her representative.

- 6.9. Issue sanction

After completion of the proceedings, the final outcome might be Counselling, written warning, final written warning, and suspension without pay (max- 3 months), demotion, combination of the above and dismissal. The SG and/ or the EA must give effect to the recommended sanction by the presiding officer of the disciplinary hearing.

Responsibility: Chairperson of the disciplinary hearing

- 6.10. Implement the hearing report

Issue letter with the relevant sanction to the employee as stipulated in the hearing report. In case the Employee is satisfied with the sanction outcome; close the case.

Responsibility: Superintendent General to sign the report provided by the Directorate Labour Relations.

- 6.11. Lodge appeal

In case the Employee is not satisfied with the outcome, complete the appeal form and submit to the Executing Authority within 5 working days. The employer must finalize the appeal with within 30 Days failing which; suspended employees resume duties and await outcome of the appeal while on duty.

Responsibility: Employee

6.12. Recommend and approve the appeal

The recommended report is submitted to MEC for Approval. The approval may be a choice between the following:

- 6.12.1. Upholding the appeal,
- 6.12.2. Reduction of sanction,
- 6.12.3. Confirmation of the outcome of the disciplinary hearing.

Responsibility: Executive Authority

6.13. Communicate and implement the outcome

Communicate the outcome of the appeal to the appellant. Where the sanction is reduced / the outcome of the disciplinary proceedings, the sanctions would be implemented by the Employer from the current date.

Responsibility: Directorate Labour Relations

6.14. Lodge a dispute

Should the employee be dissatisfied with the outcome, they are entitled to lodge a dispute with the Bargaining Council (PHSDSBC) or CCMA within 30 days after dismissal. If the employee is satisfied with the outcome; Directorate Labour relations closes the case.

Responsibility: Employee

7. Monitoring and review

This SOP will be reviewed after three (3) years after its approval or where there are changes to the environment or legislation.

8. SOP Approval

Recommend/ ~~Not Recommended~~/ Amended



Dr. Madipuo Tlhogane

Chief Director: Corporate Services

25 June 2025

Date

Approved/ ~~Not Approved~~ / Amended

PP 

Mr. Obakeng Mongale

Superintendent General: NWDOH

25 June 2025

Date